

# REGISTER



## South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., July 13, 2015

**NOTICE OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Department of Game, Fish, and Parks:***

(July 10, 2015) intends to amend Waterfowl Hunting Seasons rules to decrease the daily bag limit for scaup from 3 to 2 contingent upon approval by the U.S. Fish and Wildlife Service; increase the number of hunting days for white-fronted geese from 72 to 86 consecutive days contingent upon approval by the U.S. Fish and Wildlife Service, and remove the bald eagle (*Haliaeetus leucocephalus*) from the list of state threatened birds. The general authority for these rules, as cited by the department, is SDCL §§ 34A-8-3, 41-2-18, and 41-11-5.

A public hearing will be held at the AmericInn, 301 Centennial Street, Aberdeen, South Dakota, on August 6, 2015, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <https://rules.sd.gov/>. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. on the date of the hearing. Comments may also be sent by email to either [wildinfo@state.sd.us](mailto:wildinfo@state.sd.us) or [gfpadminrules@state.sd.us](mailto:gfpadminrules@state.sd.us). All written and email comments must include the commenter's name, home town/city, and state. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) before the hearing.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**Executive Appointments:**

**Kristi Bunkers**, Pierre, was appointed on June 11, 2015, to the **Juvenile Justice Oversight Council**, effective immediately.

**Amy Iversen-Pollreis**, Pierre, was appointed on June 11, 2015, to the **Juvenile Justice Oversight Council**, effective immediately.

**Sarah Morrison**, Rapid City, was appointed on June 11, 2015, to the **Juvenile Justice Oversight Council**, effective immediately.

**Jim Seward**, Pierre, was appointed on June 11, 2015, to the **Juvenile Justice Oversight Council**, effective immediately.

**Patrick Weber**, Pierre, was appointed on June 11, 2015, to the **Juvenile Justice Oversight Council**, effective immediately.

**Sheila Weber**, Sioux Falls, was appointed on June 11, 2015, to the **Juvenile Justice Oversight Council**, effective immediately.

**Leeann Roripaugh**, Vermillion, was appointed on July 1, 2015, as **Poet Laureate of South Dakota**, effective July 1, 2015, and shall continue until July 1, 2019.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov/>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State

Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the

Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

### REMINDER OF HEARINGS SCHEDULED

<b>7-15-2015</b>	<p><b>Labor and Regulation: Division of Banking: SD Public Deposit Protection Commission</b></p> <p>Amend rules to modify the information required to be reported by public depositories to include the amount and number of public demand and time deposits over the amount of deposit insurance provided by the FDIC rather than the total amount and number of public demand and time deposits, remove trust companies from the list of entities eligible to receive public deposits, correct typographical errors, make certain form and style edits, and specify the information that must be reported to the commission for any certificate of deposit pledged to secure public deposits, eliminate the requirement that liability reports to the Public Deposit Protection Commission be sworn before a notary, delete an outdated cross-reference, add certificates of deposit to the existing process for pledging eligible collateral, change the value of surety bonds pledged as security for public deposits from 110% of the value of the public deposits to be secured to 100%, change the required value of eligible collateral pledged as security for public deposits from 110% of the value of the public deposits to be secured to 100%, delete an outdated statutory reference, and allow certificates of deposits to be pledged as eligible collateral by public depositories; 41 SDR 213, June 8, 2015.</p>
<b>7-23-2015</b>	<p><b>Transportation</b></p> <p>Amend a Speed Limits rule in Campbell County on Highway 10 in Pollock; amend a Speed Limits rule in Jackson County on Highway 44 in Interior and south of the Badlands National Park boundary; and adopt Movement of Oversize or Overweight Vehicles rules to create an extended period emergency declaration permit and an extended period emergency declaration fleet permit; 42 SDR 1, July 6, 2015.</p>
<b>7-27-2015</b>	<p><b>Education: Board of Education</b></p> <p>Amend a Career and Technical education rule to increase the postsecondary technical institute per student allocation to the level set for fiscal year 2016 by the Legislature; repeal an Application for Certificate rule regarding revoking, suspending, or voiding a certificate; amend Certification rules to clarify the test required to obtain a 7-12 mathematics endorsement and create a 7-12 intermediate mathematics endorsement; amend a Certificate Denial and Discipline Procedures rule to detail the procedures for the denial of an application for a certificate, the duration of an order imposing discipline, the procedures for reinstatement, and the public or private nature of disciplinary records; and repeal the tuition equalization grant program, Robert C. Byrd honors scholarship program, Christa McAuliffe fellowship program, school term length grades 1-3, and teacher compensation program rules; 42 SDR 2, July 6, 2015.</p>
<b>7-30-2015</b>	<p><b>Agriculture: Division of Ag Development</b></p> <p>Adopt rules to establish a Water Drainage Mediation program; 42 SDR 1, July 6, 2015.</p>
<b>7-30-2015</b>	<p><b>Revenue: South Dakota Lottery Commission</b></p> <p>Amend a rule to allow a change to the Powerball game matrix and include the 10X multiplier for Power Play in certain defined instances; 42 SDR 1, July 6, 2015.</p>
<b>7-31-2015</b>	<p><b>Public Safety</b></p> <p>Amend rules to increase the amount of time allowed to appeal an administrative driver</p>

	license action, to repeal unnecessary driver license rules, update commercial driver license language to conform to federal standards and 2015 legislation, update the prorated fees for licenses or identification cards issued to those under 21, and update the adoption of Commercial Vehicle Safety Alliance standards; 42 SDR 2, July 6, 2015.
<b>8-6-2015</b>	<b>Game, Fish and Parks</b> Amend Waterfowl Hunting Seasons rules to decrease the daily bag limit for scaup from 3 to 2 contingent upon approval by the U.S. Fish and Wildlife Service; increase the number of hunting days for white-fronted geese from 72 to 86 consecutive days contingent upon approval by the U.S. Fish and Wildlife Service, and remove the bald eagle ( <i>Haliaeetus leucocephalus</i> ) from the list of state threatened birds; 42 SDR 5, July 13, 2015.
<del>7-27-2015</del> <b>8-26-2015</b>	<b>Health: Division of Health Systems Development and Regulation</b> Amend rules to update and create separate Articles for each health care provider currently regulated in Article 44:04, to allow facilities the ability to consider inclusion of operators of X ray equipment to meet federal provisions of electronic health records, and designate geographic areas for the redistribution of nursing facility beds; 42 SDR 2, July 6, 2015.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, July 20, 2015, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; and Spearfish – Black Hills State University, 1200 University Station, Room LIB11. The committee chair has set the following tentative meeting schedule for the 2015 interim: August 17, September 21, November 9, and December 14.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

